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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,761	07/08/2003	Marc Alan Sherman	AAMTC.0104	8006
7590 David W. Carstens P.O. Box 802334 Dallas, TX 75380			EXAMINER ADE, OGER GARCIA	
			ART UNIT	PAPER NUMBER
			3627	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/614,761

Applicant(s)

SHERMAN ET AL.

Examiner

Garcia Ade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on October 25<sup>th</sup>, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Johnson and Pape references.

Applicants amended claims 6, 7, and 8.

2. The Examiner withdraws the objections to the abstract and claims 6 – 8.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. [US 5,712,989], and further in view of Pape et al. [US 6,505,094].

**As per claims 1, 5, and 9**, Johnson discloses a method for fulfilling orders, comprising the steps of: receiving a product order [see abstract (e.g. the system proposes a purchase or transfer order)], wherein the order specifies product type and quantity [see column 2, lines 22 – 26 (e.g. optimum **quantity of the item**)], and see flowchart of figure 3 (e.g. **blocks 210 and 213**); printing a document [see flowchart of figure 1, via **printer 43**] that lists the content of the order and includes an order identification code [see column 11, lines 15 – 23, column 13, lines 32 – 37, and see flowchart of figure 4A (as shown in **step 246**)]; receiving an

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input of the order identification code, receiving an input of a product identification code taken from a physical product [see column 7, lines 40 – 67, and table 3, columns 24 and 25 (e.g. **physical inventory** adjustment)]; comparing the product identification code with the product order [via host computer 10, column 14, lines 29 – 47, and see flowchart of figure 4B (e.g. block 254)]; if the product corresponding to the product identification code is part of the order, confirming acquisition of the product and entering it toward completion of the order [see flowchart of figure 5B (e.g. block 372), and column 28, lines 10 – 23]; if the product corresponding to the product identification code is not part the order, returning an error signal [see flowchart of figure 6A (e.g. **block 388**)]; repeating steps (d) through (g) until the specified quantity of each product type in the order is entered, and returning an error signal if more than the specified quantity of any product in the order is input [see flowchart of figure 6A (e.g. **block 392**), and see flowchart of figure 6B (blocks 400 – 410)].

Johnson does not explicitly disclose completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity.

However, Pape discloses completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity [see flowchart of figure 5A (e.g. **block 615**), via control system 400].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Johnson's invention to include Pape's shipping

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printing method. The motivation to combine will provide build-to-order products and direct shipment of products to customers [see summary of the invention].

**As per claims 2, 6, and 10**, Johnson discloses all elements per claimed invention as explained above. Johnson does not explicitly disclose the document includes a label containing a mobile identification number than can be peeled off and placed on the outside of a box containing the ordered items.

However, Pape discloses the document includes a label containing a mobile identification number than can be peeled off and placed on the outside of a box containing the ordered items [see column 4, lines 36 – 49 (e.g. a tracking label with unique identifying information for each product), and see column 9, lines 1 – 14 (e.g. when a shipping label is printed, an operator takes the printer label, ***applies it to the article***)].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Johnson's invention to include Pape's mobile identification number. The motivation to combine is the same as claims 1, 5, and 9 above.

**As per claims 3, 7, and 11**, Johnson discloses the document includes a shipping address [see table XIII, column 40, ***customer account maintenance***] for the order and serves as a packing list [via local computer 40, column 36, lines 26 – 37 (e.g. ***packing lists*** and shipping papers)].

**As per claims 4, 8, and 12**, Johnson discloses the identification codes are barcodes that are entered by scanning [column 36, lines 26 – 37 (e.g. using the ***bar code scanner*** to input the Requisition Number)].

***Response to Arguments***

5. Applicants' arguments filed on October 25<sup>th</sup>, 2006 have been fully considered but they are not persuasive.

A) Applicants argue that the proposed combination of Johnson and Pape does not produce all of the limitation of claims 1, 5, and 9. The Examiner respectfully disagrees. Johnson's system proposes a purchase or transfer order for an optimum quantity of an item [see abstract]. Furthermore Johnson's flowchart of figure 3 describes an order that specifies product type and quantity. Johnson also discloses a printer 43 that is also attached to local computer 43 for printing a document that lists the content of the order and includes an order identification code [see above rejection]. Johnson further discloses a host computer 10 for comparing the product identification code with the product order, which is described in the flowchart of figure 4B. Johnson's flowchart of figure 5B describes programs employed by an embodiment of the system to accept a sourced requisition by confirming acquisition of the product and entering it toward completion of the order.

Johnson does not explicitly disclose printing a shipping label. However, Pape discloses a manufacturing control system 400 preferable prints the shipping labels for completing the order and printing a shipping label for the order only after all products contained in the order have been acquired and entered in the specified quantity [see flowchart of figure 5A, block 615]. Therefore, Applicant's arguments are deemed nonpersuasive.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571.272.6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 3627

ga

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